

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

**LOGAN PAUL**  
*Plaintiff*

v.

**STEPHEN FINDEISEN AND  
COFFEE BREAK PRODUCTIONS  
LLC'S D/B/A COFEEZILLA**  
*Defendants*

**Civil Action No. 5:24-cv-717**

**JURY TRIAL DEMANDED**

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**DEFENDANTS STEPHEN FINDEISEN AND COFFEE BREAK PRODUCTIONS, LLC's  
PLEA IN ABATEMENT**

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Defendants file this verified plea in abatement, and in support thereof would respectfully show the following:

**ARGUMENT**

1. Plaintiff Logan Paul sued Defendants Stephen Findeisen and Coffee Break Productions, LLC for defamation per se.

2. The Defamation Mitigation Act provides that “[a] person may maintain an action for defamation only if: (a)(1) the person has made a timely and sufficient request for a correction, clarification, or retraction from the defendant; or (2) the defendant has made a correction, clarification, or retraction.” Tex. Civ. Prac. & Rem. Code § 73.055. Under the statute, “[a] request for a correction, clarification, or retraction is sufficient if it: (1) is served on the publisher; (2) is made in writing, reasonably identifies the person making the request, and is signed by the individual claiming to have been defamed or by the person's authorized attorney or agent; (3) states with particularity the statement alleged to be false and defamatory and, to the extent known, the time and place of publication; (4) alleges the defamatory meaning of the statement; and (5)

specifies the circumstances causing a defamatory meaning of the statement if it arises from something other than the express language of the publication.” *Id.*

3. Prior to filing his claim for defamation per se, Plaintiff Logan Paul never provided the Plaintiff with a written request for a correction, clarification, or retraction of the alleged defamatory statements as required by Tex. Civ. Prac. & Rem. Code § 73.055. As a direct result of Defendant's failure to comply with the requirements of Tex. Civ. Prac. & Rem. Code § 73.055, Plaintiff is entitled to an abatement of Defendant's counter claim pursuant to See Tex. Civ. Prac. & Rem. Code § 73.062; *see also Harrison v. Aztec Well Servicing Co.*, No. 1:20-CV-038-H, 2021 U.S. Dist. LEXIS 244798, at \*71 (N.D. Tex. 2021) (Noting that when a defendant “received no demand ... [t]heir sole remedy, under *Hogan*, was to ask the Court to abate the litigation).

4. This case is automatically abated without court order absent the timely filing of a sufficient controverting affidavit under Tex. Civ. Prac. & Rem. Code Sec. 73.062(b).

#### **PRAYER**

Plaintiff prays that the Court take notice of this Plea in Abatement, and for any other relief to which he may be entitled.

Respectfully submitted,

**FARRAR & BALL, LLP**

/s/ William R. Ogden

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**ATTORNEY FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing has been served via the CM/ECF system on counsel of record this 5<sup>th</sup> day of September 2024.

/s/ William R. Ogden

WILLIAM R. OGDEN

**VERIFICATION**

STATE OF TEXAS

COUNTY OF BEXAR

I, Stephen Findeisen, declare under penalty of perjury the following is true and correct and based on my personal knowledge. I am over twenty-one (21) years of age and fully competent to make this declaration. I reside in Bexar County, Texas. I am the owner of Coffee Break Productions, LLC. I have read Defendants' Plea in Abatement, and the allegations contained therein are within my personal knowledge and are true and correct.

Executed on September 5, 2024 in Bexar County, Texas.

/s/ Stephen Findeisen  
Stephen Findeisen